IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

LANCE DARRELL MARTIN,

       Petitioner,

v.   **Civil Action No. 2:07cv63**
                                             (Judge Maxwell)

WARDEN JOE DRIVER,

       Respondent.

ORDER DENYING MOTION

On August 13, 2007, the *pro se* petitioner filed an Application for Habeas Corpus pursuant to 28 U.S.C. §2241, seeking an immediate release from what he alleges is unlawful imprisonment. On September 18, 2007, the petitioner paid the required $5.00 filing fee. On that same date, the undersigned made a preliminary review of the petition and found that summary dismissal was not warranted. According, an Order to Show Cause was issued, and the respondent was given thirty days to respond. On October 17, 2007, the respondent requested an extension of time within which to respond, and on October 18, an order was entered granting the motion and extending the date by which the response was due to November 15, 2007. On November 14, 2007, the respondent filed a second request for an extension of time within which to respond, and on November 15, 2007, an order was entered granting the motion and extending the date by which the response was due to December 6, 2007. On December 6, 2007, the respondent filed his response.

Now pending before the Court, is a document which was filed by the petitioner on December 10, 2007, which is styled Notice and Motion of an Exception and an Objection of the Respondent's Request to Extend Time to Show Cause (Doc. 15). Inasmuch as the response has been filed, the petitioner's objections to the respondent's second request for an extension of time is moot. Furthermore, to the extent that the petitioner is requesting a Writ of Habeas Corpus Ad Testificandum, said request is inappropriate

to this proceeding.

Accordingly, the petitioner's Notice and Motion (Doc. 15) is **DENIED**.

IT IS SO ORDERED.

The Clerk is directed to provide a copy of this Order to the petitioner and counsel of record.

DATED: December 11, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE